



## *The Judiciary, State of Hawaii*

### **Testimony to the Senate Committee on Transportation and Energy**

Senator Lorraine R. Inouye, Chair

Senator Mike Gabbard, Vice Chair

(Thursday, January 28, 2016, 2:45 p.m.)

State Capitol, Conference Room 229

by

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**Bill No. and Title:** Senate Bill No. 2053, Relating to the Use of Intoxicants While Operating a Vehicle.

**Purpose:** Lowers the threshold alcohol concentration (AC) for the offense of driving under the influence of an intoxicant (OVUII), from .08 or more grams of alcohol to .06 or more grams of alcohol (per 210 liters of breath or 100 milliliters or cubic centimeters of blood).

### **Judiciary's Position:**

The Judiciary takes no position on the merits of Senate Bill 2053. If this measure is enacted, the Judiciary anticipates an increase in the number of administrative driver's license revocations that the Administrative Driver's License Office (ADLRO) will be required to adjudicate. This may require additional resources and staff for ADLRO to meet the increased caseload. If this measure is enacted, the Judiciary also anticipates requesting a delayed effective date of at least three months to implement necessary changes to ADLRO forms, databases, and internal processes/procedures.

It is difficult to predict how many additional OVUII arrests will occur statewide if the threshold AC is reduced from .08 to .06. Based on information provided by the Department of Transportation for years 2011-2015, there were approximately 4335 drivers arrested in Hawai'i for OVUII with an AC of .00 -.079; these individuals were released or not processed under current law. It is reasonable to assume that a fair percentage of these individuals had an AC between .06 -.079, and it is also reasonable to anticipate that there will be more OVUII arrests if



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the threshold AC is actually reduced to .06. This will create additional administrative driver's license revocations that ADLRO will be required to adjudicate.

ADLRO estimates needing at least one additional staff member to meet the increased caseload, and possibly more, depending on exactly how many more cases per year would be generated if the threshold AC is reduced to .06. Note that there are strict statutory timelines specified in HRS Chapter 291E, Part III that require timely adjudication of all ADLRO cases.

Thank you for the opportunity to provide testimony on this bill.